IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE FIFTEENTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 8390 of 2005

Between:

St.Mary Educational Society, LIG-2, A.P.H.B. Colony,
Nalgonda, rep. by its Secretary Y.Renuka.

..... PETITIONER

AND

The Osmania University, Hyderabad
rep. by its Registrar.

.....RESPONDENT

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to declare the action of the respondent in returning the application filed by the petitioner seeking affiliation for Narketpally College of Education, A.P.H.B. Colony, Nalgonda and Universal College of Education, Nayanagar, Kodad, Nalgonda District vide the impugned proceeding No.320/II-B.Ed/2004-05/Acad/IV-2 dt.06-04-2005 as arbitrary, illegal, offending Article 14 of the Constitution of India, being contrary to the provisions of A. P.Universities Act, 1991 by way of issue of a writ, order or direction, more particularly one in the nature of Writ of Mandamus and consequently direct the respondent to grant affiliation to the colleges established by the petitioner forthwith to enable the colleges to be allotted the students or in the alternative admit the students into the B.Ed programme for the academic year 2004-05.

Counsel for the Petitioner:MR.D.V.SITARAMAMURTHY

Counsel for the Respondent: MR.DEEPAK BHATTACHARJEE

The Court, at the stage of admission, made the following :

ORDER :

This writ petition is filed aggrieved by the action of the respondent-Osmania University, Hyderabad, in not considering the request of the petitioner for grant of affiliation to the colleges established by it to start B.Ed., courses on the ground that *Government orders* are not yet issued in favour of the petitioner.

It is not in dispute that the petitioner herein was already granted no-objection certificate by the Government and that it was also granted recognition by the National Council for Teacher Education (for short "NCTE), on 08.03.2005. In the circumstances, the contention of the petitioner is that the respondent-university is not at all justified in insisting on further *Government orders.*

When the matter is taken up for consideration, learned counsel for both parties represented that the issued raised in this writ petition is squarely covered by the decision of this Court in W.P.No.7878 of 2005 dated 13.04.2005, whereunder having considered an identical issue, this Court held that in the absence of any provision under the National Council for Teacher Education Act, or any other statute which provides for permission from the Government to start the college after the institution was granted no-objection certificate by the Government and recognition by the NCTE, the action of the respondent-university therein in returning the application for grant of affiliation only on the ground of further permission from the Government appears to be unwarranted and cannot be sustained. Accordingly the said writ petition was disposed of with a direction to the respondent-university to consider the application of the petitioner therein afresh for grant of affiliation without insisting for obtaining permission from the Government.

Following the decision in W.P.No. 7878 of 2005, the impugned order dated 06.04.2005 is set aside and the writ petition is disposed of with a direction to the respondent University to consider the application of the petitioner afresh for grant of affiliation to the college established by it for the academic year 2004-05 without insisting for obtaining further order or permission from the Government to start the colleges and to pass appropriate orders in accordance with law, as expeditiously as

possible, preferably within a period of one week from the date of receipt of this order.

No costs.

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15.04.2005

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To

1 The Registrar, Osmania University, Hyderabad.
2 Two CD copies.